



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,628	06/28/2001	Bill Kitchen	23952-0030	5979

72386 7590 03/04/2008  
SUTHERLAND II  
SUTHERLAND, ASBILL & BRENNAN, LLC  
999 PEACHTREE STREET  
ATLANTA, GA 30309

EXAMINER
----------

ALVAREZ, RAQUEL

ART UNIT	PAPER NUMBER
----------	--------------

3688

MAIL DATE	DELIVERY MODE
-----------	---------------

03/04/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/892,628	KITCHEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Raquel Alvarez	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 34-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/27/07</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This office action is in response to communication filed on 12/27/07.
2. Claims 34-63 are pending and are presented for examination.

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 34-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hogan (5,699,528 hereinafter Hogan).

With respect to claims 34, Hogan teaches a process for electronically presenting bills (Figures 4-11). Receiving billing information associated with a bill of a biller (i.e. the payors receive billing information associated from the plurality of billers)(Figures 4, 7, 10 and 11); transmitting a presentation comprising in a first portion of a single screen, a bill of a biller including at least one of a total amount, due date and a minimum amount due, and a payment due date (Figure 4).

With respect to in a second portion of the single screen, displaying a pre-populated payment date derived from the payment due date of the bill and a pre-populated payment amount derived from at least one of the total amount due or the minimum amount due on the bill. Hogan teaches that when the user clicks on another date and/or allowed partial, the system on the same single screen allows the payor to

enter a payment date and/or installments payments as authorized by the biller based on the due payment of the bill and the payment due date. Hogan is silent as to displaying a pre-populated payment date or pre-populated minimum amount due. The Examiner wants to point out that since Hogan teaches that the another date payment date and the allowed partial payments have to be authorized by the biller then it would make sense in the system of Hogan to have included the pre-populating the allowed information in order to avoid the user for entering a date or payment installments not authorize by the biller.

Claim 38 further recites that the displayed bill payment information includes a periodic payment area for displaying a periodicity at which further payments of the displayed payment amount are to be made after the displayed payment date. Since Hogan teaches the biller authorizing the partial payments that are allowed to be made on the account then it would have been obvious to have included periodic payments, which provide repetitive fixed amounts in order for the payors to know the payment partial payment amount that is expected every payment date.

With respect to claims 42-43, Hogan further teaches that the displayed bill payment information includes a payee area for displaying a payee name, and further comprising receiving a user command identifying a biller (i.e. the user clicks/identify the biller)(Figure 10); and automatically displaying a name of the identified biller as the payee name in the payee area (i.e. the biller identified will be the one displayed)(Figure

11); wherein the bill and the bill payment information are displayed in response to the identification of the biller)(Figures 10-11).

With respect to claims 46 and 51, Hogan teaches a system for electronically presenting bills authorizing payment (Abstract). A display configured to present in a first portion of a single screen, a bill of a biller including at least one of a total amount due and a minimum amount due and a payment due date (Figure 4), and in a second portion of the single screen, bill payment information including a payment date area for displaying a payment date, a payment amount area for displaying a payment amount (Figure 4), and a payment authorization indicator for authorizing payment of the displayed payment amount on the displayed payment date (see Figure 4, item 411); an input device for activating the payment authorization indicator (see Figure 4, 411); and a processor for generating a message to authorize payment on the displayed payment amount on the displayed payment date based on the activation of the payment authorization indicator (i.e. a message is sent authorizing the payment based on the user's selection)(see figure 4).

With respect to claim 50, Hogan further teaches that the displayed bill payment information includes a listing of the selected periods (See figure 4); the input device is further configured to receive a user selection of one of the listed selectable periods (see figures 4, 7 and 10); the bill payment area includes a payment period area for displaying the selected period (see figure 10); the processor is further configured to generate the

message to authorize payment of the displayed payment amount on the displayed payment date and thereafter at the displayed selected period based on the activation of the payment authorization indicator (i.e. the user selects the due date of the bill amounts that he or she wants to pay and a message is sent authorizing the payment)(see Figure 11).

With respect to the displayed bill payment information including a periodic payment area for displaying a periodicity at which further payments of the displayed payment amount are to be made after the displayed payment date. Since Hogan teaches the biller and payor/subscriber authorizing the partial payments that are allowed to be made then it would have been obvious to have included periodic payments, which provide repetitive fixed amounts in order for the payors to know the payment partial payment amount that is expected every payment date.

With respect to claims 41 and 53, Hogan teaches the input device is further configured to receive a user command to change the displayed payment date to a modified payment date (i.e. the user can change the date to another date)(see Figure 4, item 407); the processor is further configured to automatically generate an instruction to change the displayed payment date to the modified payment date, based on the user change command (i.e. when the user chooses another date the display will be modified so that the user can enter a new date)(see Figure 4).

With respect to claim 54, Hogan further teaches that the displayed bill payment information includes a payee area for displaying a payee name, and further comprising receiving a user command identifying a biller (i.e. the user clicks/identify the biller)(Figure 10); and automatically displaying a name of the identified biller as the payee name in the payee area (i.e. the biller identified will be the one displayed)(Figure 11); wherein the bill and the bill payment information are displayed in response to the identification of the biller)(Figures 10-11).

Claims 35-37, 47, 48, 56 further recite that the payment date pre-dates the displayed payment due date by an amount of time corresponding to a time period for making payment in a particular manner is automatically displayed initially in the payment date area as the payment date. Hogan teaches that the bill is posted and sent as the bill information concerning the subscriber is received and the customer can pay the bill as soon as the bill is received then the payment date pre-dates the due date of the bill(see col. 5, lines 53-61 and Figure 4). Hogan does not specifically teach that the payment date corresponds to a time period for making payment in a particular manner. Official notice is taken that it is old and well known in bill paying for billers to specify a time period where they no longer will receive checks but where the only payments accepted will be money orders or cash in order to avoid prolonging the time period of payment. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included the payment period to corresponds to a time

period for making a payment in a particular manner in order to obtain the above mentioned advantage.

Claim 39 further recites an indicator indicating that the displayed payment amount has been paid. Official notice is taken that it is old and well known to indicate or display an indication that a bill has been paid. For example, when a person makes a deposit or payment through an ATM a display or print out is received showing that the transaction was completed. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included an indicator that the displayed amount has been paid in order to obtain the above mentioned advantage.

Claims 40, 45, 52 further recite that the displayed information is displayed in a format of a check and that a cancelled check stamp indicate that the displayed amount has been paid. Hogan teaches on figure 4 item 409 that the customer can opt to pay with a checking account. Hogan is silent as the details of the display when the checking account is selected and indication when the check has been paid. Nevertheless, it would make sense if paying with a check to change the display because such a modification would allow the customer to interact with a display that he or she is familiar with. An indication of or cancelled check stamp is old and well known to assure the customer that the check has been paid. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included a check



stamp indicating that the check has been paid in order to obtain the above mentioned advantage.

Claim 44 further recite a portion associated with the displayed bill, another portion corresponding to advertisements and another portion associated with customer care. Hogan teaches a portion associated with the displayed bill and customer care such as grievance(see Figure 4). Hogan does not specifically teach a portion associated with advertisements. Official notice is taken that it is old and well known in bill payments to send advertisements with bills to induce the customers to make purchases. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included including a portion of the bill to include advertisements in order to achieve the above mentioned advantage.

With respect to claim 49, Hogan further teaches that the first type payment mode is payment by check and the second type payment mode is payment by electronic fund transfer (see Figure 4, item 411).

Claim 57 further recites the displayed bill payment information including a periodic payment area for displaying a periodicity at which further payments of the displayed payment amount are to be made after the displayed payment date. Since Hogan teaches the biller authorizing the partial payments that are allowed to be made on the account then it would have been obvious to have included periodic payments,

which provide repetitive fixed amounts in order for the payors to know the payment partial payment amount that is expected every payment date

Claim 58 further recites an indicator indicating that the displayed payment amount has been paid. Official notice is taken that it is old and well known to indicate or display an indication that a bill has been paid. For example, when a person makes a deposit or payment through an ATM a display or print out is received showing that the transaction was completed. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included an indicator that the displayed amount has been paid in order to obtain the above mentioned advantage.

Claim 59 further recites that the displayed information is displayed in a format of a check and that a cancelled check stamp indicate that the displayed amount has been paid. Hogan teaches on figure 4 item 409 that the customer can opt to pay with a checking account. Hogan is silent as the details of the display when the checking account is selected and indication when the check has been paid. Nevertheless, it would make sense if paying with a check to change the display because such a modification would allow the customer to interact with a display that he or she is familiar with. An indication of or cancelled check stamp is old and well known to assure the customer that the check has been paid. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included a check

stamp indicating that the check has been paid in order to obtain the above mentioned advantage.

With respect to claim 60, Hogan further teaches that the bill payment information includes a payee area for displaying a payee name (see Figure 4).

With respect to claim 61, Hogan further teaches a selectable biller list including a plurality of billers (See Figure 10).

Claim 62 further recite a portion associated with the displayed bill, another portion corresponding to advertisements and another portion associated with customer care. Hogan teaches a portion associated with the displayed bill and customer care such as grievance(see Figure 4). Hogan does not specifically teach a portion associated with advertisements. Official notice is taken that it is old and well known in bill payments to send advertisements with bills to induce the customers to make purchases. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included including a portion of the bill to include advertisements in order to achieve the above mentioned advantage.

Claims 55 and 63 further recites that the displayed information is displayed in a format of a check. Hogan teaches on figure 4 item 409 that the customer can opt to pay with a checking account. Hogan is silent as the details of the display when the checking

Art Unit: 3622

account is selected. Nevertheless, it would make sense if paying with a check to change the display because such a modification would allow the customer to interact with a display that he or she is familiar with. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included displayed information is displayed in a format of a check in order to obtain the above mentioned advantage.

**Response to Arguments**

5. The 101 rejection has been withdrawn.

6. With respect to presenting all the information on first and second portion of a single screen. The Examiner wants to point out that a computer monitor contains a single screen, the single screen having different displaying areas. Since in Hogan, the user is using a computer screen to display various billing information and the various billing information is displayed on different areas of the single computer screen then it meets the limitation of a single screen having different portions. According to Applicant's arguments, the Examiner assumes that Applicant wants to claim displaying the information on a single window. If that's the case, Applicant must claim it as such and must show support for the limitation in the specification in order for the Examiner to consider the limitation.

7. With respect to the newly amended feature of pre-populated payment date derived from the payment due date of the bill and pre-populated amount derived from the total amount due, these arguments are moot in view of the new grounds of rejection.

8. With respect to dependent claims 38, 50 and 57, Applicant argues that Hogan doesn't teach a periodicity at which payments are to be made, these arguments are moot in view of the new grounds of rejection.

9. With respect to dependent claims 43, 54 and 61, Applicant argues that Hogan doesn't teach displaying on a single screen selectable biller list including a plurality of bills. The Examiner wants to point out again that a computer monitor contains a single screen, the single screen having different displaying areas. Since in Hogan, the user is using a computer screen to display various billing information and the various billing information is displayed on different areas of the single computer screen then it meets the limitation of a single screen having different portions. According to Applicant's arguments, the Examiner assumes that Applicant wants to claim displaying the information on a single window but this is not being claimed. Applicant needs to amend the claims to include the display being in a same window if that's the case and needs to show support for it in the specification.

10. With respect to claims 41 and 53, Applicant argues that Hogan doesn't teach changing the payment date to a modified payment date. The Examiner wants to point out that col. 6, lines 40-45 clearly teaches that if "**Another Date** option is selected, server computer 160 prompts the subscriber to enter a **future date** as the **payment date**", the future date being the modified date as claimed.

11. With respect to the Official Notice taken pertaining to claim 35-37, 47, 48 and 56, The Examiner wants to point out that since it is so well known for the payment dates accepted by billers to correspond to a time period for making payment in a particular

Art Unit: 3622

manner is so well known prior to Applicant's invention that a reference is not deemed necessary. For example, for years insurance companies and the like will not accept checks from a customer if the payment is close to their cancellation date because they want to avoid extending coverage in case that the check doesn't have sufficient funds. The Examiner wants to further point out that a proper challenge to the Official Notice has to at least cast reasonable doubt on the fact taken notice of. See MPEP 2144.03 where In re Boon is mentioned.

12. With respect to claims 40, 45, 52, 55, 59 and 63, The Examiner wants to point out that it is old and well known to display a format of a check or virtual representation of a payment in order for the user to visualize a real life example that they can recognize and will feel comfortable with and therefore if the user is paying with a check in the system of Hogan, it would make sense for the display to be a representation of the real thing.

**Point of contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raquel Alvarez/  
Primary Examiner, Art Unit 3622

Raquel Alvarez  
Primary Examiner  
Art Unit 3622

R.A.  
2/25/2008